



Attorney Docket No. 742408-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of)
Adam RAFF)
Application No. 10/517,441) Group Art Unit: 2617
Filed: July 21, 2005) Examiner: Jaime M. Holliday
Confirmation No. 2561)
For: COMMUNICATIONS DEVICE AND)
METHOD COMPRISING USER)
PROFILES MATCHING BETWEEN)
COMPATIBLE DEVICES) March 20, 2007

REQUEST FOR RECONSIDERATION

United States Patent and Trademark Office
Customer Service Window, Mail Stop RCE
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

A Request for Continued Examination, and the following Request for Reconsideration are submitted to be fully responsive to the Office Action of September 20, 2006, and the Advisory Action mailed March 6, 2007. Reconsideration of this application in light of the comments below and the allowance of this application are respectfully requested. Claims 1-66, 68-132, 134 and 135 are still pending in the present application and are believed to be in proper condition for allowance.

Initially, the Applicant acknowledge with appreciation, the Supervisory Patent Examiner Joseph Feild's clarification of the Advisory Action during a teleconference with the undersigned Applicant's representative on March 12, 2007, in view of the

unavailability of Examiner Holliday. During the teleconference, the Applicants were advised that the previously submitted Amendment After Final has been entered. In addition, the claimed invention and the pending Office Action were briefly discussed. Per SPE Field's suggestion, the present RCE and Request for Reconsideration are being submitted for further consideration.

Referring to the previous substantive Office Action, the Examiner maintained her rejections of the remaining pending claims as being anticipated by U.S. Patent No. 6,690,918 to Evans et al., or being obvious in further view of U.S. Publication 2004/0203363 to Carlton et al., U.S. Patent No. 6,968,179 to De Vries, and/or U.S. Patent No. 6,549,768 to Fraccaroli.

In particular, the Examiner rejected claims 1-3, 12, 13, 21, 28-30, 34, 38, 39, 48-51, 53-59, 66 and 68-69, 78, 79, 87, 94-96, 100, 104, 105, 114-117, 119-125 and 132 under 35 U.S.C. 102(e) as being anticipated by Evans. As explained below, this rejection is improper in that Evans fails to disclose a device that "does not need to receive information relating to attributes of the said compatible device, in order to register a match with the said compatible device" as specifically recited in independent claims 1 and 68 of the present application.

In particular, independent claim 1 defines a communications device comprising a memory adapted to store at least one profile of a user in the device that contains predetermined attributes and requirements of the user. Independent claim 68 is similar to claim 1 but recites a communications method. As clearly described in the present application, "attributes" are personal data of the user and contain certain characteristics of the user such as the user's age, height, hair color, education etc. The "requirements" are the user's search criteria and define which attributes relating to other users of compatible devices that the user of the device is seeking. It is not necessary to safeguard the security of the requirements to the same degree as the attributes, as the search criteria of a user do not identify the user themselves. For example, if someone intercepted a set of requirements that a user wants in a romantic partner, these requirements could not be linked to the user. However, user's attributes

such as age, height, hair color, education etc., could be linked to a specific user, especially if only a small number of users are in range of the device.

In the present invention, a device receives requirements (i.e. search criteria) from a compatible device, and then compares these requirements against stored attributes (personal data of the user of the device). When the locally stored attributes match the transmitted requirements of a compatible device, a match signal is transmitted. All that is shared is the search criteria (requirements). As a result, the private data of the user (attributes) is not required to be shared during the matching process. Correspondingly, independent claims 1 and 68 expressly recites that the device does not need to receive attributes of the compatible device in order to register a match. The personal data of a user of a device is never revealed to any other device during the matching process. Instead, a match signal is transmitted based on receiving of requirements of a compatible device without requiring receipt of the attributes of the compatible device as claimed. Therefore, the present invention defines a communications device in which the personal data of the user (attributes) are kept private. It will be appreciated that a device that transmits the search criteria of a user is more secure in maintaining privacy than a device that transmits personal data relating to the user (attributes) and search criteria.

Alternatively, the personal data of a user may be very large, for example in an application in which the device of claims 1 and 68 belongs to a real estate agent and holds literally hundreds of properties that are on the real estate agents books. In such circumstances, it would involve an extremely large amount of bandwidth of a wireless communication channel for the real estate agent device to send details of all their properties to a user of a compatible device.

The cited Evans reference discloses a system in which devices can communicate over a wireless network. As recognized by the Examiner at page 4, paragraph 1 of the Office Action, Evans discloses that the devices stores "real profiles" and "request profiles" of the user. In this regard, Evans discloses "the two separate types of profiles, real and request profiles, are created by users practicing the

present invention. The inventor terms the profiles ‘self’ (real) profiles and ‘meet’ (request) profiles.” (See Col. 6, lines 5-8). Furthermore, Evans also discloses “in the above-described example wherein LAN 40 exists at a popular nightclub, for example, real (self) and request (meet) profiles reflect personal data such as appearance, interests, hobbies, income, marital status, and may include temporary information such as purpose for attending the nightclub. A request profile would essentially carry the same type of information. A request profile reflects a user's desired attributes in someone with whom they might consider socializing.” (See Col 8, lines 4-12). The above passages provide a very clear teaching that the “real” profiles in Evans reflect personal data of the user, and that “request” profiles reflect a user's desired attributes in another user. Therefore, the “real” profiles in Evans are equivalent to the “attributes” recited in claims 1 and 68 of the present application, while the “request” profiles in Evans are equivalent to the “requirements” recited in claims 1 and 68.

However, in contrast to the present claims, in each of the example embodiments disclosed in Evans, the real profiles (attributes) are transmitted in order to establish a match. In the first example of Evans shown in Figure 1, a system is disclosed in which there are a number of users and a central server 29. It is disclosed that the users provide the server with their real (attributes) and request (requirements) profiles. In particular, Evans discloses “software (not shown) provided to reside in server 29 and within repository 31 functions to match stored ‘real’ profiles against ‘request’ profiles and propagates selected profiles or notice thereof to participating and requesting devices using a networking protocol.” (See Col. 6, lines 1 to 8). Therefore, in contrast to the present invention of claims 1 and 68, the arrangement in Figure 1 of Evens has a central server to which each user provides their profiles, and does not disclose a controller in a user device that is adapted to register a match between the device and a compatible device, in which the controller matches received requirements against locally stored attributes.

In addition, this arrangement discloses an arrangement in which the attributes of a user (“real” profile) are transmitted to a central server. As disclosed in Evans, “an

important goal of the present invention is to provide users with an ability to ‘see’ pertinent profiles (real) attributed to any other users before initiating committed contact in a way that enables quick contact and fulfills a variety of user interests.” (See Col. 6, lines 13-17). Hence, an important goal in Evans is the sharing of attributes between users before initiating committed contact. This is opposite to the goal of the presently claimed invention where attributes are not shared in the matching process.

In a second example embodiment, Evans discloses a nightclub with a LAN 40 where “when one user comes into range of another, *each device will send a real profile to the other device. These profiles are received by each participating device and matched against request profiles (what users are looking for) stored on each device.* If a match, or in some embodiments, a partial match occurs, the device making the match beeps, vibrates, or alerts the user in some other fashion. The matching profile is displayed on the device with an option to contact the device that sent the matching profile. Contact may be similar to a page, or may be enhanced with voice communication capability in some embodiments.” (See Col. 6, lines 43-53, emphasis added). Hence, this disclosed embodiment does not rely on a central server. However, the devices of each user are required to transmit attributes (real profiles) which are matched against stored requirements in order to establish a match. Again, this is in contrast to the communications device recited in claims 1 and 68 of the present application.

Another disclosed embodiment of Evans uses a combination of hand-held devices and a central server 29. It is disclosed that profiles can be uploaded by the devices to the server, and that devices can browse the profiles of other users on the server. In particular, Evans discloses that “[i]f interested, user 2 may download real profiles for matching with his or her request profile stored locally on PC 17. In another embodiment, user 2 may upload a request profile to server 29 and have it matched with real profiles stored in repository 31. In either case, if there are matches, user 2 may decide to travel to the popular nightclub with a Bluetooth(TM) enabled

device similar to any of those illustrated within LAN 40. Alternatively, user 2 may select to send a notice and real profile to the owner of a device whose profile matched the request profile of user 2. In this case, remote communication may be established between user 2 and a user operating either device 43 or device 33 within LAN 40. User 1 has the same capability as described with respect to user 2.” (See Col. 7, lines 40-53).

In view of the above, it should be clear that the cited Evans reference discloses that:

1. a user downloads uploaded real profiles of other users for matching with his or her request profile stored locally;
2. a user may upload a request profile to the server and have it matched with real profiles uploaded in a repository; or
3. a user sends a real profile to another user whose profile matched the request profile of the user.

None of these embodiments of Evans disclose a communications device that receives requirements, and matches these against locally stored attributes, while not requiring receiving of information relating to attributes in order to register a match as specifically recited in independent claims 1 and 68. The remaining passages of Evans disclose more detail of the matching process, but the basic operation is as described above.

As discussed above, a very important feature of the present invention as recited in independent claims 1 and 68 is that the device sends its requirements, but does not need to receive attributes (“real” profiles as referred to in Evans) of compatible devices during the matching process. Therefore, the attributes do not need to be sent by either device during the matching process, and are always stored locally. The Examiner further responded to the previously submitted remarks of the Applicant arguing that this feature is disclosed in Col. 7, lines 53-44 of Evans. In particular, the Examiner states that “Evans et al clearly discloses ‘all real identification information such as names, phone numbers and the like are not provided during initial exchange in

order to protect anonymity and privacy of users.” (Citing Evans et al., Col. 7, lines 53-55).

However, this quotation is cited by the Examiner out of context. This portion of Evans merely suggests keeping private, certain information, including names and phone numbers, but still discloses transmitting of other real profile information (attributes) before a match is determined. In this regard, the portion of Evans from which the Examiner cites further teaches that “[i]f interested, user 2 may *download real profiles for matching* with his or her request profile stored locally on PC 17. In another embodiment, user 2 may upload a request profile to server 29 and have it matched with real profiles stored in repository 31. In either case, if there are matches, user 2 may decide to travel to the popular nightclub with a Bluetooth(TM) enabled device similar to any of those illustrated within LAN 40. *Alternatively, user 2 may select to send a notice and real profile to the owner of a device whose profile matched the request profile of user 2. In this case, remote communication may be established between user 2 and a user operating either device 43 or device 33 within LAN 40.* User 1 has the same capability as described with respect to user 2. *It is important to note herein that all real identification information such as names, phone numbers and the like are not provided during initial exchange in order to protect anonymity and privacy of users.*” (See Col. 7, lines 40-56, emphasis added).

The above full passage indicates that the user 2 uploads a request profile to the central server 29 to have it matched with real profiles stored in repository 31. If there is a match between the real profile of the owner of another device and the request profile of user 2, then user 2 will send his real profile (i.e. attributes) to the owner of the other compatible device. Thus, when the context of the Examiner’s quotation is considered, the Evans reference merely discloses keeping certain information private, but still requires providing of other personal information (real profiles or attributes) in order to provide a match.

Therefore, there is no teaching or suggestion of a device that matches the requirements (request profiles) received with locally stored attributes (real profiles)

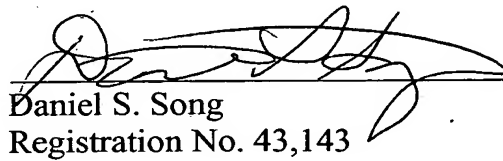
without requiring receipt of attributes from a compatible device. As explained, the “other device” is required to send (to the central server or the compatible device), its real profile (attributes), and after that, user 2 is required to send his attributes to the “other device”. Therefore, the matching process clearly requires the receipt of attributes.

In view of the above, the Applicant contend that the Examiner has failed to properly establish anticipation of the pending independent claims 1 and 68 in that Evans fails to disclose every recited limitations of claims 1 and 68. The arguments set forth above was previously submitted in response to the prior Office Action, and thus, is not believed to raise any new issues. Thus, the withdrawal of the 35 U.S.C. 102 rejection, and the allowance of claims 1-3, 12, 13, 21, 28-30, 34, 38, 39, 48-51, 53-59, 66 and 68-69, 78, 79, 87, 94-96, 100, 104, 105, 114-117, 119-125 and 132 is respectfully requested.

Referring again to the prior substantive Office Action, the Examiner rejected the remaining dependent claims under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Carlton et al., De Vries, and/or Fraccaroli. However, this rejection is believed to be improper in that these secondary references fail to cure the deficiencies of the primary Evans reference discussed above in that they, fail to disclose or teach a device that “does not need to receive information relating to attributes of the said compatible device, in order to register a match with the said compatible device” as specifically recited in independent claims 1 and 68. Thus, even if the references were combined in the manner suggested by the Examiner, they still fail to teach or otherwise suggest the present invention as claimed in independent claims 1 and 68 upon which all of these dependent claims ultimately depend. Correspondingly, the Applicant respectfully contend that the Examiner has failed to properly establish a *prima facie* case of obviousness, and requests the withdrawal of these rejections, and the allowance of these dependent claims.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,


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